

BY REPRESENTATIVE TIM BURNS

To amend and reenact Code of Civil Procedure Article 3061, relative to judgments of possession; to provide for the automatic inclusion of the terms of a testamentary usufruct; to provide for the automatic inclusion of the terms of a testamentary trust; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 3061 is hereby amended and reenacted to read as follows:

Art. 3061. Judgment rendered and signed immediately

A. The court shall render and sign immediately a judgment of possession, if it finds from an examination of the petition for possession, and from the record of the proceeding, that the petitioners are entitled to the relief prayed for, and that all inheritance taxes due have been paid or deposited into the registry of the court, or that no such taxes are due and that an inheritance tax return, when required, with the required accompanying documents, has been filed with the collector of revenue.

B. The judgment shall recognize the petitioners as the heirs, legatees, surviving spouse in community, or usufructuary, as the case may be, of the deceased, send the heirs or legatees into possession of the property owned by the deceased at the time of his death, and recognize the surviving spouse in community as entitled to the possession of an undivided one-half of the community property, and of the other undivided one-half to the extent that he has the usufruct thereof. The judgment shall include the last known address of at least one of the heirs or legatees or the surviving spouse, as the case may be, sent into possession of the property of the

1 deceased. The failure to include the address of at least one of the heirs or legatees
2 or the surviving spouse shall not affect the validity of the judgment.

3 C. A judgment sending one or more petitioners into possession under a
4 testamentary usufruct or trust automatically incorporates all the terms of the
5 testamentary usufruct or trust without the necessity of stating the terms in the
6 judgment.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____